



Saving TEXAS HISTORY

The Texas General Land Office
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Jerry Patterson, Commissioner
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The Other Side of the Archives War

by James Harkins



Angelina Eberly fired a cannon at Land Commissioner Thomas William Ward, and other government officials, to sound an alarm to other Austinites. Courtesy of Texas State Library & Archives Commission.

Austin's reputation for weirdness was foreshadowed on December 30, 1842, when Angelina Eberly fired a cannon at the General Land Office building, touching off the obscure Archives War. This event has been romanticized in Austin folklore as an early example of local pride. Not surprisingly, the Texas General Land Office has a somewhat different take on the incident, having literally been the target of Mrs. Eberly's wrath. To make matters worse, Land Commissioner Thomas "Peg Leg" Ward was inside the building when it was struck by grapeshot during the brief bombardment. Rubbing salt into the agency's wounds, the contents of the archives were held hostage by Austinites for more than a year—much to the detriment of the rest of the Republic.

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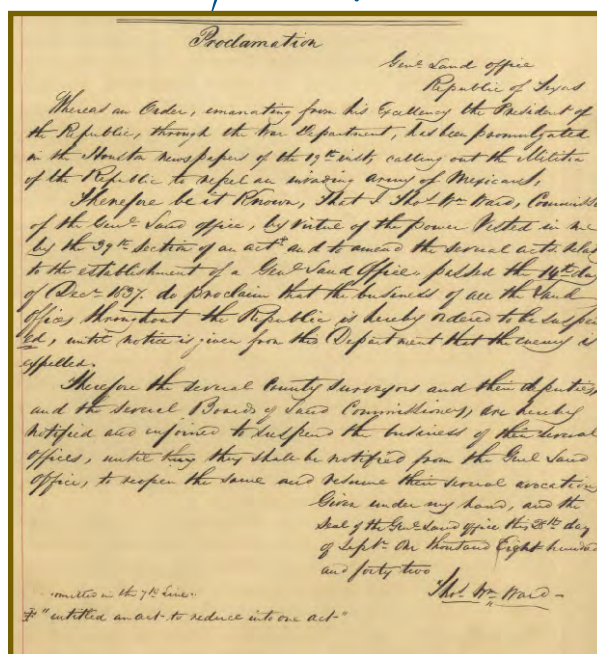
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A proclamation from Commissioner Thomas William Ward notifying the public that the Land Office business was being suspended, until further notice, because of an impending threat of Mexican invasion.

The Archives War was described as “an incident whose time period is said to be limited to two days, whose geographic area did not exceed twenty miles, and in which some hundred men and one woman figured.”¹ This downplays the catastrophe Texas faced due to the actions of Austin’s Vigilance Committee, described by a State Department clerk as “... a regular organized Company of disorganizers.” Almost every citizen of the Republic of Texas between 1842 and 1844 was affected by the fate of the archives, but it was a deadly serious issue to the roughly 200 residents of Austin and Travis County, who had everything to lose if they were removed.

The capital was in the crosshairs of several different groups: Indians to the west, Mexicans to the south and politicians to the east. These constant threats fed a growing paranoia among Austinites that they would be abandoned and forgotten, which seemed to be coming true at the time of the Archives War. In 1842, the capital of the Republic appeared “... desolate, vacant houses on all sides.”² William Murrah said, “The streets look lonely and deserted and the wind sighs mournfully around the Corners of vacant houses.”³ Former Secretary of State James Mayfield feared Austin would be abandoned to the “savage,” and those who had dared to settle the West betrayed, and many ruined.⁴



City of Austin the New Capital of Texas in January 1, 1840. Edward Hall. 1844, in A History of Texas, or the Emigrant's Guide to the New Republic. Lithograph (hand colored). Courtesy Amon Carter Museum Library.

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Land Commissioner Thomas William Ward, or Peg Leg, was the officer in charge of transporting the archives of the Republic of Texas from Austin.

Conditions in Austin were largely due to panic emanating from San Antonio, which was occupied on March 5, 1842, by approximately 700 Mexican soldiers. As a result, martial law was declared in Austin, and families were told they should leave. Unbeknownst to those in the east, the Mexicans retreated after two days. On March 10, President Houston seized the opportunity to order the government to Houston, something he had tried to do repeatedly through legislative channels. Houston also ordered the removal of the archives to save them from Mexican invaders, arguing:

“The destruction of the national archives would entail irremediable injury upon the whole people of Texas...Should the infinite evil which the loss of the national archives would occasion, fall upon the country through his [Houston’s] neglect of imperious constitutional duty, he would be culpable in the extreme, and must justly incur the reproach of a whole nation.”⁵

Afterward, the diplomatic maneuvering and saber rattling commenced. On March 16, the Vigilance Committee was organized to guard and prevent removal of the public archives from Austin. On the same day, Houston’s private secretary, W.D. Miller, stated that the citizens of Austin would not let the archives be moved, and they “would much rather take their rifles to prevent a removal than to fight Mexicans.”⁶ Houston, aware of the sentiment in Austin and conditions in San Antonio, instructed Land Commissioner Thomas William “Peg Leg” Ward to make the necessary preparations for the transportation of the archives, regardless of opinion in Austin. Ward said, “I cannot consider the Archives at all safe at this point, and should be most willing to yield the most implicit obedience to the order of the President for the removal of the archives to a place of greater safety.”⁷ Ward, however, was blocked from carrying out his objective by the local Vigilance Committee.

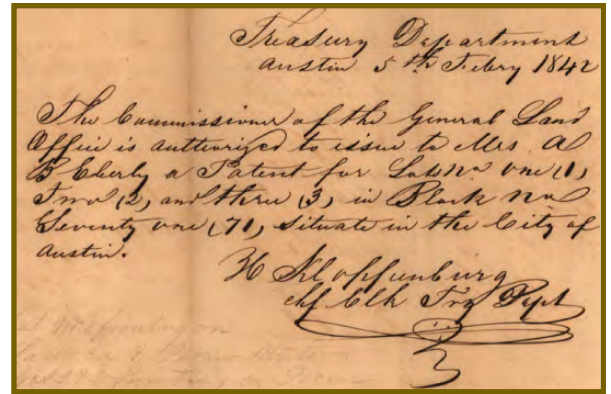
On June 27, President Houston convened a Special Session of Congress to ask for the removal of the capital and archives from Austin, but Congress rejected his request. Three months later, on September 11, Mexican forces again occupied San Antonio. This was further proof to Houston that Austin was at risk of being destroyed. He again ordered Ward to remove the archives, this time to Washington-on-the-Brazos.⁸ Again, Austin citizens stopped Ward and the other government officials. Writing to the Vigilance Committee on September 23, Ward stated that the citizens of Austin interfering with removal of the archives had the potential to put the records, and the Republic, at greater risk. Not mincing any words, Ward warned that if the enemy captured the archives, it “would be a greater victory than the most glorious battle won in the field.”⁹

Later that month, Ward ordered the business of the General Land Office suspended until further notice.¹⁰ On October 15, President Houston again ordered the seat of government moved from Austin to Washington-on-the-Brazos. Houston notified Ward of Capt. Eli Chandler and Col. Thomas I. Smith’s impending arrival to remove the archives with “secrecy, efficiency, and dispatch” from Austin on December 10. “I am told that their destruction by fire has been frequently denounced by some of those who oppose their removal,” Houston wrote. “Such an event would produce not only incalculable but irreparable injury to the people of Texas.”¹¹ Worried that the Austinites might actually carry through with their inflammatory threats, Ward moved the records into his private office.

On the morning of December 30, Smith and Chandler, and 24 soldiers with three wagons, quietly moved into Austin to carry out Houston’s orders. With Ward’s assistance, they began loading the 11 boxes of Land Office records. Everything was ready by noon. Ward, however, “...was confronted by a clot of angry villagers who had trained the town ordnance [*sic*] on the wagons, all led by a woman with a match in her hand who swore to blow them to kindling wood at the first sign of movement.”¹² Ward explained, “Much excitement prevailed here, a howitzer loaded with grape was

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discharged at my residence after I heard the cry of 'blow the old house to pieces', eight shot perforated the buildings."¹³ Angelina Eberly, a local innkeeper, commandeered a cannon stationed near the corner of Congress and Pecan Street (later 6th Street) for Indian defense, and fired at Peg Leg and the Land Office Building, as Houston's men quickly left town with the records, taking the road to Kinney's Fort on Brushy Creek, on the way to Washington-on-the Brazos.¹⁴ Nathan Mitchell, GLO Spanish Translator, and Walter Winn, assistant clerk, accompanied the records to prevent any tampering with them.



Receipt stating that the Commissioner of the General Land Office was authorized to issue a patent for lots #1, 2 and 3 in Block No. 71 to Angelina Eberly. Dated February 5, 1842.

A posse of Austinites overtook the government officials at Kinney's Fort and blocked their advance. A brief firefight took place before the two sides agreed to a cease-fire for the night."¹⁵ The following day a party of 68 Austinites made it clear to Mitchell and Winn that if they got in the way, they would be the first to be shot down.¹⁶ Following the parley, the records were surrendered and returned to Austin. "The archives were forcibly taken from them and lodged in Mrs. Eberly's house...I have employed all the exertion I could to have them restored to this place, but in vain, and what the result may be, Providence alone can determine. Many threats have been made against me...but however dangerous or unpleasant my situation may be I will not complain if I can do a service to the Republic,"¹⁷ Ward said. Eberly had an economic interest in the seat of government staying in Austin, having recently bought Austin City Lots 1, 2 & 3 in Block 71 from the state of Texas, through the General Land Office on February 5, 1842, only 10 short months before firing the cannon at Commissioner Ward.¹⁸

Throughout the early months of 1843, Ward pressed the Vigilance Committee to return the papers to the Land Office so the agency could reopen, allowing citizens to once again locate land and perfect their titles. Ward pleaded, "...although you oppose the Executive of your country in the discharge of his constitutional duties...you have as little or much less right to hold in your possession the property of the citizens of the Republic, whose rights are now jeopardized by your illegal detention of their land claims..." Ward reminded the Committee, "...when a small portion of the citizens of a country sets the law aside and forcibly takes and detains the property of a majority of the people of the country; anarchy and confusion must inevitably ensue."¹⁹

Negotiations for the archives continued back-and-forth between Ward and the Austin citizens throughout 1843. Realizing he was getting nowhere, Ward proclaimed that the Land Office would open on May 1, 1843—but would be based in Washington-on-the-Brazos with the rest of the government, and without possession of the archives. Growing increasingly frustrated with the actions of the Austin committee, Ward proclaimed that it would be "injurious to the citizens" if the total suspension of the land business persisted, and that he would make-do as existing circumstances would permit.

It wasn't until January 8, 1844, however, more than a year after the archives were seized at Kinney's Fort, that Ward would recover the 11 boxes of land records. The Archives War was over. Finally, on September 25, 1845, the government moved from Washington-on-the-Brazos back to Austin, where Ward would continue to serve as Land Commissioner until 1848.

The Archives War was a strange event in Texas history that has been dismissed as a farce—a notion that could not be further from the truth. The winners of the war were clearly the citizens of Austin, who almost single-handedly kept the seat of government hostage, much to the detriment of their fellow Texians. They nullified presidential orders, made threats on the lives of several government officials, threatened to destroy the public archives and risked clouding title

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A statue of Angelina Eberly was erected in downtown Austin to commemorate the event. According to the sculptor, "Angelina Eberly is the savior of Austin."

to millions of acres throughout the Republic, because they wanted the capital to remain in Austin for their own self interests. The incident ended up playing a decisive part in the final determination of the location of the capital of Texas.²⁰

Despite the fact that the Archives War prevented the Land Office from issuing a land patent²¹ for more than two years, from February 1842 - March 1844, and prevented the government from conducting important business for the betterment of the entire Republic. The event is now a source of local pride, with a statue of Angelina Eberly recently erected on Congress Avenue in downtown Austin.

For more information about the Archives War, please visit the Texas General Land Office Archives in Austin, or call 512.463.5277, or email archives@glo.texas.gov. ✨

Footnotes

- ¹ Hope Yager, "The Archive War of Texas." Master's Thesis, University of Texas. 1939, 1.
- ² "Early Days in Texas," The Galveston Daily News, February 16, 1896.
- ³ Francis Latham, Travels in the Republic of Texas, 1842, ed. Gerald S. Pierce (Austin: Encino Press, 1971), 22-25; W.H. Murrah to M.P. Woodhouse, May 30, 1842, Box 2-23/904, Woodhouse Papers.
- ⁴ Humphrey, 77.
- ⁵ Williams and Barker (eds.), Writings of Sam Houston, II, 533.
- ⁶ W.D. Miller to Sam Houston, March 16, 1842. (MS., W.D. Miller Papers, Archives, Texas State Library.)
- ⁷ Thomas William Ward to President Sam Houston. April 2, 1842. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. P. 308. Archives and Records. Texas General Land Office, Austin [hereafter TGLO].
- ⁸ Sam Houston to Thomas William Ward. October 8, 1842. Executive Office, Washington. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. Pp. 311. TGLO.
- ⁹ Thomas William Ward to Samuel Whiting. September 23, 1842. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. Pp. 310. TGLO.
- ¹⁰ Proclamation Closing the General Land Office(s). September 28, 1842. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 2. Pp. 326. TGLO.
- ¹¹ Sam Houston to Thomas William Ward. December 10, 1842. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. Pp. 311-312. TGLO.
- ¹² James L. Haley, Sam Houston. (Norman: University of Oklahoma Press, 2002), 252.
- ¹³ Thomas William Ward to Sam Houston. January 8, 1843. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. Pp. 312-313. TGLO.
- ¹⁴ Ward was known for having poor luck when it came to artillery, and the Archives War was just the latest incident. Just a year earlier, Ward lost his right arm to a cannon while celebrating the five-year anniversary of the Battle of San Jacinto. Prior to that, during the Siege of Bexar, Ward lost his right leg to cannon fire. It is rumored that Ward's leg is buried with Ben Milam.
- ¹⁵ Haley, 261.
- ¹⁶ Statement of the Clerks, Nathan Mitchell and Walter Winn. January 25, 1843. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. Pp. 313-315. TGLO.
- ¹⁷ Thomas William Ward to Sam Houston. January 8, 1843. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. Pp. 312-313. TGLO.
- ¹⁸ A. B. Eberly Austin City Lots File #51. TGLO.
- ¹⁹ Thomas William Ward to the Committee of the People of Austin in possession of the Land Office Records. January 24, 1843. Early Letters Sent, 1840-1845 [Commissioner's Correspondence]. Vol. 3, Part 1. Pp. 315. TGLO.
- ²⁰ Henry J. May Jewett, "The Archive War of Texas," De Bow's Review, May, 1859, Vol. 1, No. 5, p. 523.
- ²¹ A patent is a legal instrument that represents the final step in the land-granting process; whereby the sovereign conveys its legal title to lands that had been previously awarded. In essence, the award vests equitable title to the grantee, sometimes with obligations attached. When the grantee has met the obligations under the award, the grantee is entitled to a patent. The patent shows that the land was awarded and all obligations to the State have been met, thereby severing the State's title and interest in the ownership of the land.

Texas Society, Daughters of the American Revolution Helps Save Texas History

by James Harkins

A tremendous thank you to the Texas Society, Daughters of the American Revolution (TSDAR), for their generous donation of \$25,000 for the conservation of Stephen F. Austin's *Registro*, or Register of the Old 300, and several other related land grant documents from the Archives of the Texas General Land Office.

Under the leadership of State Regent Joy Dabney Hagg, the TSDAR recently helped conserve the 615-page *Registro*, along with 27 land documents of 22 different American citizens who came to Texas after service in the American Revolution. The TSDAR has helped the General Land Office Save Texas History program, and in the process, helped conserve the memory of 22 early Anglo-Americans who helped settle Texas.



An example of the restoration work performed on the Registro.

In 2010, Hagg approached the Land Office with the vision of conserving the *Registro* as part of her State Regents Project. The Save Texas History program was created for this exact reason—to develop corporate and private partnerships to conserve Texas history. Because the Land Office receives no money for conservation from the Legislature, partnerships like this one are necessary for saving our shared heritage.

“It is with pride that I salute the members of TSDAR for their generosity in funding the conservation of the *Registro* and related documents,” Hagg said. “In this one project, the Texas Daughters have fulfilled two of our society’s stated missions—historic preservation and education. We are happy to have been able to partner with the General Land Office on this project and hope that other organizations will choose to partner with them in the future.”

From a historical perspective, the TSDAR worked on this project because the American Revolution quickly gave way to a feeling of Manifest Destiny, or the notion that the United States should stretch from the Atlantic to the Pacific. This movement led to the American colonization of Texas under Empresario Stephen F. Austin. By 1821, just 45 years after the American Revolution, American citizens began flowing into Texas, many of them revolutionary veterans. Twenty-two of them received land grants in Austin’s Colony.

The *Registro* is a monument to Stephen F. Austin’s meticulous record keeping, and has long been considered of primary importance in the history of Mexican Texas. “The land and other records of this colony, present abundant evidence of his [Austin’s] neatness and accuracy; and the register, or record book, in which the land documents, and title deeds, are recorded, will forever afford proof, of the labor, care, and precaution that have been devoted for the perpetuation of those important documents,” wrote historian and former Texas State Archivist David B. Gracy II. “It will be remembered, that this labor, the formation of the register was gratuitous on the part of Austin, and the Secretary Williams...

Did You Know?

During the Archives War in 1842, Stephen F. Austin’s papers, and the *Registro*, were among the documents confiscated by the citizens of Austin and buried to prevent their transport to Washington-on-the-Brazos along with the rest of the government.

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considered it necessary for the future security of the settlers, that the records should be placed in such a shape, as would render them less liable to be lost or defaced, than they would be, in their original state.”¹

“Stephen F. Austin’s Register of Families, or *Registro*, is the crown jewel of the archival collection at the Texas General Land Office, and among the most important artifacts in Texas history,” said Jerry Patterson, Commissioner of the General Land Office. “It’s a tangible piece of Texas history that was in need of repair, and Joy Dabney Hagg, and the rest of the Texas Society Daughters of the American Revolution, drew a line in the sand and stood their ground to help Save Texas History.”



The restored Registro.

The Daughters of the American Revolution National theme for 2010-2013 is to “Preserve the Past, Enhance the Present and Invest in the Future.” This project accomplishes that goal. Through continued work with TSDAR, their state theme “Preserving the Past – Our Gift to the Future,” will continue, as more documents are currently being selected for conservation.

Did You Know?

On March 30, 1836, San Felipe de Austin was burned to the ground by the Texas Army to keep its resources from falling into the hands of the advancing Mexican army. Prior to that, Article 14 of the Consultation of November 1835 ordered that the Registro, along with the rest of Austin’s land papers, be deposited in a safe place under the authority of the provisional government to avoid destruction.

Additionally, TSDAR will fund the digital scanning of the Connected Map of Austin’s Colony. As a result, this very important and very large map will be available to the public for reproduction and research online for the first time. Several more land grant documents will also be identified and conserved.

The Texas General Land Office owes a tremendous debt of gratitude to the Texas Society Daughters of the American Revolution for their continued support of the Save Texas History program, and for their sustained commitment to many of the 35 million documents and 80,000 maps archived at the Land Office. Thanks to the support of organizations like the TSDAR, we’re able to preserve the past of Texas and the United States, and invest in the future by creating useful and widely used digital resources. ✨

¹ Austin, Stephen F. *Establishing Austin’s Colony: The First Book Printed in Texas with the Laws, Orders and Contracts of Colonization*. David, B. Gracy II, editor. (Austin: The Pemberton Press, 1970), 15.

Tell Us About Your Experience at the Land Office Archives

Have you had a good experience with the Texas General Land Office Archives? Maybe you attended a tour or presentation that took your breath away. Or maybe you learned something that you never knew about Texas history. Perhaps you discovered a document that shed new light on one of your ancestors.

Please Like Save Texas History on Facebook, and share your experience with us. Or, if you are not on Facebook, please email archives@glo.texas.gov with details about your experience at the Archives.

The best story about a member of the public’s experience with the General Land Office Archives will appear in the next edition of *Saving Texas History* and will win a free map for the writer! ✨

Spanish Collection Guides Now Available Online!

The *Catalogue of the Spanish Collection* Parts I & II have recently received a facelift, and are now available for purchase through our online map store for the first time. The covers of each volume were recently redesigned to match the style of the cover art of our most recent publication, the *New Guide to Spanish and Mexican Land Grants in South Texas*. Land Office maps, appropriate to the time period, were used on the covers of both volumes.



The *Catalogue of the Spanish Collection* Part I features the *Connected Map of Austin's Colony*, which was drafted in Stephen F. Austin's land office between 1833 and 1837, and shows all the original land grants of Austin's colony located below the San Antonio Road (The El Camino Real de los Tejas). This catalogue volume gives details about the Spanish and Mexican land grants located north of the Nueces River in what was historically the Spanish province of Texas and later the Mexican state of Coahuila and Texas.

The *Catalogue* Part II cover features imagery from a colorful 1740 map of the Southern United States which includes Texas, and displays a wonderful cartouche of a Native American hunting expedition involving lions and elk. Cougars were often mistakenly described as lions in early European explorations of America. The *Catalogue* Part II describes documents in the Spanish Collection such as correspondence and contracts associated with the administration of the land distribution system in Spanish and Mexican Texas.

Also available for purchase online, for the first time, is the award winning *New Guide to Spanish and Mexican Land Grants in South Texas*. In 2009, the *New Guide* was awarded second place in the prestigious Presidio La Bahia Award of the Sons of the Republic of Texas. The volume features 363 expanded entries on the Spanish and Mexican land grants in South Texas, a synoptic history of the issuance and confirmation of these grants, and four informative appendices on the subject. Featured in this volume are the grants in the "Nueces Strip," located between the Nueces River and the Rio Grande. The *New Guide* is sure to become the new standard for this intriguing and sometimes controversial subject. ✨

A Word from the Public

Dear GLO,

My teaching colleagues and I had the privilege of attending the Save Texas History Symposium this past October, and we had a wonderful time. As a Texas History teacher, I never knew how many original maps and documents that the GLO held and it was great to be able to see original signatures from Stephen F. Austin, James Bowie, and documents relating to Davy Crockett, and many other Texas History heroes. The most incredible item was the original ledger of The Old 300 kept by Stephen F. Austin. To see something that I have taught about for years, and to actually see that book was incredible.

Sincerely,
Kyle Jones
Texas History/Athletics
Sam Rayburn Middle School

Do you “like” Texas history?

Love Texas history? Then “like” the new Save Texas History Facebook page! Get the latest news about the Texas General Land Office conservation and education program, including upcoming events, contests, media and Texas history trivia.

Watch for opportunities to win maps and other Save Texas History collectibles. Give STH a thumbs up to be entered in STH drawings. Keep up with your Save Texas History friends today! ✨



To Request a Speaker

to discuss Land Office genealogical resources with your group or society, please call 512.463.5277, or email archives@glo.texas.gov.

To Schedule Tours

please call 512.463.5277, or visit us online at www.savetexashistory.org.

While anyone who walks in is welcome to tour the Archives, it's best to schedule in advance. With prior notice, tours can be tailored to specific interests. Due to the size of the rooms, groups of 20 or less offer the best tour experience.

SWINE STRIFE

FEBRUARY 1841 AND TEXAS PIGS TAKE ON FRANCE.

This week in Texas History, brought to you by this station and the Save Texas History program of the General Land Office.

February 19, 1841. Austin. Sent to Texas by the French King, Count Dubois de Saligny is here to improve relations with the young Republic. But his lavish lifestyle and haughty attitude prove unpopular.

When pigs owned by local innkeeper Richard Bullock invade the Count's home and eat his towels, he orders his servant to shoot the swine. Today, when Bullock runs into the servant, he bloodies his nose. Furious, the Count demands justice. When denied, he breaks diplomatic ties and leaves Austin never to return again.

Bullock—and his pigs—are hailed as heroes.

The pig war broke out 170 years ago,
This Week in Texas History.



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